

May 3, 2017


TO: ALL CONCERNED
FROM:  Nolan P. Espinda, Director

SUBJECT: **AMENDMENTS TO COR.12.05: RELIGIOUS PROGRAMS**

The following are the significant changes to COR.12.05, effective May 3, 2017:

- 1) In Section 2.0, changed References and Definitions to References and Forms.
- 2) In Section 2.0, regarding the Reference section, deleted citations from American Correctional Association, and relevant PSD policies, Federal law, case law, and State law.
- 3) In Section 2.0, regarding the Forms section, added the forms to be used for various requests.
- 4) Changed Section 3.0 to Definitions and increased numbering on subsequent sections. Added Assistant Chaplain, Community House, Fraternization, Offender, Prescious Metal, Prescious Stones, Proselytize, Social Media, Tithe, and Volunteer.
- 5) In Section 4.0, Procedures, outlined procedures to be followed for use of Sacramental Wine, Baptism, participation by offenders in religious programs/ceremonies/rituals, religious affiliation, religious articles and literature, and religious diets.
- 6) Section 4.0 also includes prohibited activities.
- 7) Section 4.0 includes duties and responsibilities for Religious Volunteers, Facility and Assistant Chaplains.
- 8) Modified formatting so that it is consistent with other policies.
- 9) Other minor grammar changes.

If you require any clarification, please contact Shelley Nobriga at 808-587-14260 or shelley.d.nobriga@hawaii.gov. COR.08.23 is to take effect on May 1, 2017.

	DEPARTMENT OF PUBLIC SAFETY CORRECTIONS ADMINISTRATION POLICY AND PROCEDURES	EFFECTIVE DATE: May 3, 2017	POLICY NO.: COR.12.05
		SUPERSEDES (Policy No. & Date): 493.12.05 (03/28/90)	
	SUBJECT: RELIGIOUS PROGRAM	Page 1 of 19	

1.0 PURPOSE

To provide policy and procedure guidelines relating to chaplaincy services and religious practices of offenders.

2.0 REFERENCES AND FORMS

.1 References

- a. *Davis v. Abercrombie*, 903 F.Supp.2d 975 (D. Haw. 2012).
- b. Department of Public Safety (PSD), Policy and Procedures Manual (P & P) COR.02.12, Inmate Trust Accounts.
- c. PSD, P & P, COR.10.1F.02, Nutrition and Special Diets.
- d. PSD, P & P, COR.12.03, Inmate Grievance Program.
- e. PSD, P & P, COR.14.18, Inmate Consent to be Interviewed, Photographed, and/or Videotaped.
- f. PSD, P & P, COR.15.02, Correspondence.
- g. PSD, P & P, COR.15.05, Inmate Access to Publications.
- h. PSD, P & P, COR.17.02, Personal Property of Inmates.
- i. PSD, P & P COR.19.02, Volunteer Services.
- j. Director's Directive, dated June 3, 2003, To All Corrections Division Employees, RE: Fraternization between Staff and Inmates.
- k. Hawaii Administrative Rules (HAR), Title 23, Department of Public Safety, Subtitle 1, Administration, Chapter 1, General Provision, § 23-1-4, Department's Programs.
- l. Hawaii Revised Statutes (HRS), Chapter 90, State Policy Concerning the Utilization of Volunteer Services in State Government.

NOT CONFIDENTIAL

COR P & P	SUBJECT: RELIGIOUS PROGRAM	POLICY NO.: COR.12.05
		EFFECTIVE DATE: May 3, 2017
		Page 2 of 19

- m. HRS Chapter 662D, Volunteer Services: Immunity.
- n. *Jackson v. Mann*, 196 F.3d 316 (2d Cir. 1999).
- o. *Johnson-Bey v. Lane*, 863 F.2d 1308 (7th Cir. 1988).
- p. Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), P. Law 106-274, 114 Stat. 803, codified at 42 U.S.C. 2000cc.
- q. *State v. Cardus*, 86 Haw. 426, 949 P.2d 1047 (Haw.App. 1997).
- r. *Turner v. Hamblin*, 955 F.Supp.2d 859 (W.D. Wis. 2014).
- s. *Turner v. Safley*, 482 U.S. 78 (1987).

.2 Forms

- a. KaMakani Monthly Volunteer Time Report form.
- b. PSD 8009, Consent for Criminal Background Check form (attached).
- c. PSD 8277, Inmate Request Form (attached).
- d. PSD 8328, Minor Consent Form for Program Use form (attached).
- e. PSD 8329, Religious Property Retention form (attached).
- f. PSD 8330, Faith Group Affiliation Declaration form (attached).
- g. PSD 8740, Inmate Consent to be Interviewed, Photographed, and/or Videotaped form (attached).

3.0 DEFINITIONS

- .1 Assistant Chaplain: An individual who has been approved by his/her faith group and is designated as an Assistant Chaplain by the Warden. This individual is a volunteer and serves without compensation for PSD under the direction of the Warden. The Assistant Chaplain shall serve in the absence of the Facility Chaplain to maintain orderly operations.

NOT CONFIDENTIAL

COR P & P	SUBJECT: RELIGIOUS PROGRAM	POLICY NO.: COR.12.05
		EFFECTIVE DATE: May 3, 2017
		Page 3 of 19

- .2 Clergy: Qualified spiritual leaders who are empowered by their religious bodies to administer ordinances and/or sacraments, to perform rites, and to provide worship and religious services.
- .3 Community House: A community-based residential unit, which is a part of PSD's community-based correctional program, where furloughed/released offenders reside at and which is located outside of the facility and in the community (i.e., extended furlough, day-reporting centers, halfway houses, community residential beds, etc.). These residential housing are to assist the offenders to transition from institutional dependency to social and economic self-sufficiency, and to assimilate back into the community.
- .4 Facility Chaplain: An individual who has been approved by his/her faith group and is designated by the Director of the Department of Public Safety (PSD) to provide administrative services for the correctional institution's Chapels or Religious Services Programs. The individual is a volunteer and serves without compensation from PSD.
- .5 Fraternization: To develop a social and personal relationship with people who are unrelated or of a different class (i.e., co-workers), as if they were family members, siblings, personal friends, and/or lovers.
- .6 Offender: For the purposes of this policy, shall include inmates and pre-trial defendants.
- .7 Precious Metal: Metals such as gold, palladium, platinum, sterling silver, etc.
- .8 Precious Stones: Stones such as diamonds, emeralds, rubies, sapphires, etc., and includes semi-precious stones such as amethysts, opals, garnets, etc.
- .9 Privileged Communication: Oral or written communication to ordained clergy with the expectation that such communication remain confidential and not be divulged to other individuals. The offender initiating such communication must indicate the information is privileged or be an act of the confessional. Privileged communication does not apply to mandatory reporting requirements.
- .10 Proselytize: To coerce, persuade, or induce someone to convert to one's faith.
- .11 Religious Volunteer: An approved clergy or lay person who provides religious services in a correctional facility on a regular or occasional basis without compensation from the PSD.

NOT CONFIDENTIAL

COR P & P	SUBJECT: RELIGIOUS PROGRAM	POLICY NO.: COR.12.05
		EFFECTIVE DATE: May 3, 2017
		Page 4 of 19

- .12 Social Media: Computer mediated tools which allow people, companies, and other organizations to create, share and/or exchange information, ideas, videos/pictures/photographs in virtual communities and networks, which include but not limited to Facebook, Instagram, Twitter, Flickr, blogs, etc.
- .13 Special Management Units: Any unit such as the administrative segregation unit, disciplinary segregation unit, protective custody unit, etc., which restricts the movement of the offenders within that unit to the point where they are unable to attend programmatic activities outside of the unit.
- .14 Tithe: A voluntary monetary contribution to a legitimate religious organization.
- .15 Volunteer: An individual or organization who provides goods or services to PSD without monetary or material compensation from PSD.
 - a. Level I Volunteer: Has completed all of the training and orientation requirements set forth by PSD, and is engaged in specific services and/or activities on an ongoing, continuous and regularly scheduled basis. This shall also include volunteers who provide services on a sporadic, periodic, occasional, and/or on-call basis. The Level I volunteer is allowed into the assigned facility areas unescorted.
 - b. Level II Volunteer: Has not completed all of the training and orientation requirements set forth by PSD. These volunteers may be a material donor (provides materials or monetary donations) or may be a faith group or part of a faith group providing one-time or occasional services. These volunteers are not allowed into the facility unescorted.

4.0 POLICY

It is the policy of PSD that no offender shall be denied the right to practice the religion of his/her choosing, and to allow religious programs for offenders, including opportunities to practice the requirements of one's faith, and use of community resources, while balancing security concerns of the facility. PSD shall ensure that offenders will have the opportunity to participate in practices of their faith group, both individually and as a group, that are deemed to be essential by the tenets of that faith without being subjected to coercion, harassment, and ridicule.

Religious beliefs may not be used to subvert correctional authority or interfere with the order and security of the facility. Following religious practices to obtain unwarranted privileges shall not be protected. Religious practices that are a threat to the safety of

NOT CONFIDENTIAL

COR P & P	SUBJECT: RELIGIOUS PROGRAM	POLICY NO.: COR.12.05
		EFFECTIVE DATE: May 3, 2017
		Page 5 of 19

PSD employees, volunteers, contract workers and/or other offenders or disrupts the safety, security and/or good government of the facility shall be restricted.

The facility Warden, or a representative so designated by the Warden to act in his/her stead, may disallow a religious activity if he/she deems it a threat to the safety and security of the facility. Notification to the Institutions Division Administrator (IDA) shall be made as to the religious activity disallowed and the reason for disallowance, with notice to IDA.

5.0 PROCEDURES

.1 Religious Services, Activities and Rituals.

- a. Participation in religious activities and attendance at religious services is voluntary.
 - 1) Offenders shall be offered the opportunity to attend services, activities, or meetings of other denominations unless there is a compelling reason to restrict attendance due to custody and/or security reasons.
 - 2) Movement of the offender to the services, activities, or meetings shall be in accordance with the facility's movement policy and procedure.
 - 3) There shall be no closed or unauthorized meetings, services, or activities.
 - 4) Offenders shall not be harassed, intimidated, ridiculed or disturbed in person or property due to religious beliefs and practices.
- b. In addition to PSD policies and rules, all religious services, activities, and meetings shall follow facility rules, regulations, and policies. Any religious activity may be restricted by the Warden, when it has been determined that there exists a threat to the order, good government, and security of the facility. The IDA shall be notified immediately of any restriction impacting a religious activity.
- c. Communion services and other sacramental rituals should be conducted on a regular basis as appropriate. **Prior written authorization shall be obtained** from the Warden, if any of the following is to be brought into the facility.

NOT CONFIDENTIAL

COR P & P	SUBJECT: RELIGIOUS PROGRAM	POLICY NO.: COR.12.05
		EFFECTIVE DATE: May 3, 2017
		Page 6 of 19

- 1) Sacramental wine may be used by the officiant, **only**, and when the use of such wine is deemed essential to be observance of the service.
 - a) In such instances, the group requiring the use of wine for religious services shall notify the Facility Chaplain in advance of the service, and the Facility Chaplain shall notify the designated staff in charge or religious programming at the earliest opportunity.
 - b) Sacramental wine shall be limited to no more than one (1) ounce per service. Storage of wine on facility premises for use in future services is prohibited.
 - c) Only the quantity of wine needed for a specific service may be brought into the institution with prior authorization from the Warden.
- 2) Grape juice shall be substituted when wine is not essential.
 - a) Grape juice shall be brought into the facility by the officiant only.
 - b) The grape juice shall be brought into the facility in its original, sealed container. Bottles/containers that have been opened and re-closed and/or re-sealed shall not be allowed into the facility.
- 3) White tea shall be substituted for kava in the Native Hawaiian Kava Ceremony.
 - a) White tea shall be brought into the facility by the officiant only.
 - b) The white tea shall be brought into the facility in its original, sealed container. Bottles/containers that have been opened and re-closed and/or re-sealed shall not be allowed into the facility.
- d. Baptisms shall be permitted in the facilities, unless doing so poses a threat to the security and safety of the facility, staff and offenders.
 - 1) Baptisms may be done by either sprinkling of water or immersion in a baptistery.
 - 2) If a baptistery is used, it shall be utilized, maintained, and sanitized in accordance with the manufacturer's instructions. This shall include cleaning and sanitizing of the baptistery after each use.

NOT CONFIDENTIAL

COR P & P	SUBJECT: RELIGIOUS PROGRAM	POLICY NO.: COR.12.05
		EFFECTIVE DATE: May 3, 2017
		Page 7 of 19

- e. A current schedule of all religious services and programs shall be posted in the religious services area(s) and other appropriate areas readily accessible to the offender population.
 - 1) The volunteer coordinator shall review and revise the scheduling of all religious programs and services each quarter to ensure fair and equitable access to scheduling of religious programs by all denominations, and religious or spiritual groups cleared to enter the correctional facility.
 - 2) Rituals of specific faiths or denominations may be conducted when appropriate facilities (such as the chapel and/or meeting room) are available. Reasonable efforts should be made to make the facilities (such as the chapel and/or meeting room) available based on scheduling, funds, and as security requirements permit.
- f. Supervision of offenders during participation of religious programs involving worship, study, and/or meetings shall be as follows:
 - 1) With prior written approval from the Warden, an offender may facilitate a religious service, while under the direct supervision of a chaplain or assistant chaplain, and/or assist the chaplain or assistant chaplain with the religious service.
 - 2) Religious programs with Level II Volunteers requires constant supervision by uniformed staff, Level I Volunteer, or chaplain.
 - 3) Religious programs led by Level I Volunteers and/or contract employees require intermittent visual and audio supervision by uniformed staff.
 - 4) Special religious programs which are open to a large population, shall require constant uniformed staff supervision.
 - 5) At his/her discretion, the Warden may implement other security measures, based on the situation, if deemed necessary.
 - 6) If a religious service and/or program is scheduled, and the chaplain or assistant chaplain is not available to conduct the service and/or program, the service and/or program shall be rescheduled; offenders

NOT CONFIDENTIAL

COR P & P	SUBJECT: RELIGIOUS PROGRAM	POLICY NO.: COR.12.05
		EFFECTIVE DATE: May 3, 2017
		Page 8 of 19

are not allowed to lead, conduct, and/or initiate religious services and/or programs.

- g. All religious services shall be conducted in English. However, in the event there is a Level I Volunteer or staff member fluent in another language, services may be conducted in that language. Languages shall include but are not limited to Hawaiian, Arabic, Hebrew, Spanish, Filipino, Korean, etc.
- h. The following religious practices and activities are prohibited:
 - 1) Animal sacrifice;
 - 2) Language or behaviors that may be construed as a threat to the safety, security, or good government of the facility;
 - 3) Casting a spell and/or curse at staff members, volunteers, offenders or other individuals shall be construed as a threat against those individual(s), and may be subject to disciplinary action;
 - 4) Nudity;
 - 5) Self-mutilation;
 - 6) The use, display, or possession of weapons, or what may appear to be a weapon;
 - 7) Paramilitary exercises;
 - 8) Self-defense training;
 - 9) Sexual acts;
 - 10) Profanity;
 - 11) Consumption and/or possession of any mind or mood altering substance;
 - 12) Ingestion of illegal substances;
 - 13) Proselytizing;
 - 14) Encryption;

NOT CONFIDENTIAL

COR P & P	SUBJECT: RELIGIOUS PROGRAM	POLICY NO.: COR.12.05
		EFFECTIVE DATE: May 3, 2017
		Page 9 of 19

15) Disparagement of other religions; and

16) Others at the discretion of the Warden.

- i. Every effort shall be made to facilitate the observance of important religious holidays, and shall be in accordance with custody and security requirements of the facility.
- j. Religious activity areas shall be subject to reasonable and respectful observations, inspections and/or searches, as necessary, to maintain facility safety, security, and orderliness, and shall be administered in a manner which reflects an awareness of, and a sensitivity to beliefs, practices, and materials used in religious activities.
- k. Clergy and spiritual advisors of all faiths shall be allowed visitation and correspondence, with offenders in response to offenders' requests for spiritual counseling or service, unless deemed a threat to the safety of staff, offenders, and the facility. Correspondence shall be in accordance with policy COR.15.02: Correspondence.
- l. Chaplains, assistant chaplains, and/or religious volunteers shall not be allowed to visit offenders who are hospitalized.
- m. An offender may elect to tithe or make monetary offerings to his/her religious organization.
 - 1) The request shall be made to the chaplain or assistant chaplain, who shall ascertain that the organization to receive the tithe is a recognized church or religious organization.
 - 2) The chaplain or assistant chaplain shall forward the request to the offender services administrator or program services administrator for processing.
 - 3) The offender may do so each month, provided there are funds in his/her unrestricted account, and that there are no outstanding obligations for that month to be paid (bills, restitution, etc.).
 - 4) The offender electing to tithe or make a monetary offering to his/her religious organization, shall request the funds from his/her unrestricted account in accordance with policy COR.02.12: Inmate Trust Accounts.

NOT CONFIDENTIAL

COR P & P	SUBJECT: RELIGIOUS PROGRAM	POLICY NO.: COR.12.05
		EFFECTIVE DATE: May 3, 2017
		Page 10 of 19

- 5) The offender's restricted account shall not be utilized for tithing or monetary offerings.
- 6) If the business office is able to accommodate the offender, the offender may make arrangements with the business office to set up a recurring, monthly deduction for the tithe or monetary offering to be sent to the offender's religious organization.
- n. In the event chaplains, assistant chaplains, and/or religious volunteers receive a request from an offender for advice or assistance relating to non-religious matter, they will:
 - 1) Explain to the offender that the request does not come under their assigned duties and jurisdiction.
 - 2) Advise and assist the offender in contacting the proper staff member.

.2 Offender Religious Affiliation

- a. Each facility shall give equal status and protection to all religions.
- b. In determining whether an individual's practices are religiously motivated, the Warden shall allow the individual to present evidence of the religious nature of such practices to the personnel making the determination. PSD 8330 shall be utilized to document the offender's religious preference.
 - 1) The Warden may disallow a religious practice, if it is a threat to the order, safety and security of the facility, and/or a threat to the safety of offenders and staff. However, immediate notification to IDA is required.
- c. An offender may change his/her religious affiliation no more than once every six (6) months. The change in religious affiliation shall be made on PSD 8330. If an offender changes his/her religious affiliation, he/she shall be responsible for any expenses/items related to the new affiliation.
- d. Facilities shall not proselytize (attempt to convert) offenders under its supervision, or permit others to do so without the consent of the offender concerned. Reasonable opportunity and access should be provided to individuals requesting information about the activities of any religion in which they may be interested.

NOT CONFIDENTIAL

COR P & P	SUBJECT: RELIGIOUS PROGRAM	POLICY NO.: COR.12.05
		EFFECTIVE DATE: May 3, 2017
		Page 11 of 19

.3 Religious Publications and Literature

- a. Literature, publications, and/or books of or about religion, or religious ideology, shall be permitted when the offender has complied with policy COR.15.05: Inmate Access to Publications.
 - 1) Books shall be ordered and purchased through known booksellers and/or publishers only.
 - 2) Periodicals shall be ordered and subscribed to through known publishers only.
 - 3) Religious volunteers may bring in materials only with the authorization and approval of the facility Warden.
- b. Offenders wishing to retain religious books, publications, and/or materials must comply with the general rules and regulations of the facility regarding the accumulation of personal property, P & P, COR.17.02: Personal Property of Inmates.

.4 Religious Articles

- a. Liturgical apparel, such as skull caps and prayer shawls, temple garments and/or ritual underwear, or other articles of religious significance, may be retained by offenders, based on the following:
 - 1) Facility regulations may require that such apparel be stored in the Chaplain's Office or other designated area, and be worn only during religious services, while balancing the security, safety, and good government;
 - 2) Requests to wear liturgical garments outside of religious services shall require written verification from the head of the offender's affiliated church; and
 - 3) Upon receipt of verification from the offender's affiliated church, prior written authorization shall be obtained from the Warden, to allow the offender to wear liturgical garments outside of religious services.

NOT CONFIDENTIAL

COR P & P	SUBJECT: RELIGIOUS PROGRAM	POLICY NO.: COR.12.05
		EFFECTIVE DATE: May 3, 2017
		Page 12 of 19

- b. Offenders may also wear religious medallions or ornaments on break-away chains, if these do not interfere with the security, safety of persons and good government of the facility. The medallions or ornaments are subject to prior written authorization from the Warden.
 - 1) Religious medallions or ornaments shall not contain any precious stones.
 - 2) Religious medallions or ornaments shall not be made of precious metal.
 - c. Oils utilized for religious ceremonies, rites, and/or rituals may be kept by the offender in his/her cell with prior written authorization from the Warden.
 - 1) The offender shall be allowed to keep no more than two (2) vials of oil; each vial shall contain no more than one (1) ounce of oil.
 - 2) The vials shall be kept in the offender's cell and not on his/her person.
 - 3) The vials shall be ordered through approved vendors.
 - d. Other religious items may be allowed upon prior written authorization from the Warden, provided these items do not jeopardize the security, safety and good government of the facility.
 - 1) Some of the approved items may be kept by the offender, and must be listed on his/her personal property list/inventory. If it is not listed as a part of his/her personal property, it will be considered contraband and confiscated.
 - 2) Some of the items, although approved by the Warden, shall not be kept by the offender, but shall be stored in the chaplain's office.
 - e. Approval of these religious articles shall be obtained by using PSD 8329.
 - f. If an offender's request is denied, he/she may appeal the disapproval through the grievance process. (P & P, COR.12.03: Inmate Grievance Program.)
- .5 Religious Diets

NOT CONFIDENTIAL

COR P & P	SUBJECT: RELIGIOUS PROGRAM	POLICY NO.: COR.12.05
		EFFECTIVE DATE: May 3, 2017
		Page 13 of 19

- a. Religious diets are available to offenders as outlined in policy COR.10.1F.02: Nutrition and Medical Diets.
- b. Upon discussion with the offender, the facility chaplain shall make the **recommendation** for an offender's religious diet on PSD 8511, and transmit PSD 8511 to the Food Service Officer (FSO) for final approval for the religious diet.
- c. Once an offender has been approved for a religious diet, the offender and his/her case manager must review and sign PSD 8512.
- d. An offender may cancel his religious diet at any time using PSD 8513.
- e. If an offender's request for a religious diet is denied, he/she may appeal the decision through the grievance process, policy COR.12.03: Inmate Grievance Program.
- f. Occasional checks may be made of the offender's store order to ensure that he/she is adhering to the diet requirements of the offender's chosen religious affiliation.
- g. Non-adherence to the tenets of the offender's chosen religious affiliation may result in revocation of the offender's religious diet. (Policy COR.10.1F.02: Nutrition and Medical Diets.)

.6 Staff Responsibility

- a. The Corrections Program Services Manager for Volunteers (CPSM-V) shall ensure that a background check is conducted on all volunteers utilizing PSD 8009.
 - 1) Background checks shall be conducted on all religious volunteers, including those who are entering the facility for just one specific program and/or performance.
 - 2) Background checks shall be conducted through CJIS, NCIC and/or any other applicable governmental agency.
 - 3) Background checks shall include checks for Temporary Restraining Orders (TRO), injunctions, and/or Protective Orders (PO) by and/or against the religious volunteer.

NOT CONFIDENTIAL

COR P & P	SUBJECT: RELIGIOUS PROGRAM	POLICY NO.: COR.12.05
		EFFECTIVE DATE: May 3, 2017
		Page 14 of 19

b. Facility Chaplains and Assistant Chaplains

- 1) Eligibility Criteria for Chaplains and Assistant Chaplains.
 - a) Generally, chaplains shall have the proper credentials and be endorsed by their faith group affiliation. Chaplains may also be subject to approval by the Warden and/or CPS-V.
 - b) The chaplain should be knowledgeable of other religions and faiths.
 - c) Appointment of assistant chaplains may also be based on their volunteer experience with PSD.
 - d) Chaplains and assistant chaplains shall be at least 18 years of age, with a minimum of a high school diploma, and education, training and/or experience related to providing services and assistance to individuals with a variety of needs.
 - e) Chaplains shall be ordained clergy or members of ecclesiastically recognized religious institutes; however, in lieu of professional ordination credentials, adequate documentation regarding religious affiliation and standing shall be provided.
- 2) Facility chaplains shall have limited responsibilities and authority; however, all activities requiring a line of authority decision or approval shall be reviewed and approved by the Warden.
- 3) Facility chaplains shall assist in recruiting various faiths or religious groups to meet the spiritual needs of the offenders.
- 4) The chaplain is under the day to day supervision of the Warden, but receives program direction and support from the CPS-V and/or CPSA.
- 5) If a facility has more than one (1) chaplain, the Warden may designate a specific chaplain as the Coordinating Facility Chaplain.
- 6) Chaplains are to be primarily involved in those matters directly related to the religious portion of the offenders' institutional life and rehabilitation. The chaplain is also responsible for ministering to offenders, staff, and offender families, regardless of their religious beliefs or affiliation.

NOT CONFIDENTIAL

COR P & P	SUBJECT: RELIGIOUS PROGRAM	POLICY NO.: COR.12.05
		EFFECTIVE DATE: May 3, 2017
		Page 15 of 19

- a) Chaplains may minister to staff on an individual, immediate need basis, but should refer staff to outside sources of assistance for other than immediate needs (REACH Program).
 - b) Chaplains may provide counseling to families dealing with the offender's incarceration on an immediate need basis and may refer them to outside sources of assistance.
- 7) Facility chaplains must agree to provide at least ten (10) hours of service per week in the facility. Any chaplain who fails to meet this minimum, without adequate explanation, may be terminated by the Director, upon recommendation of the Warden and consultation with the CPS-V.
- 8) The chaplain and religious volunteers shall not proselytize (attempt to convert) an offender to change his or her religious preference or faith.
 - a) A change of religious preference or affiliation must be initiated by the offender desiring the change.
 - b) Nothing in this section shall be construed as prohibiting a chaplain or volunteer from sharing personal religious beliefs when requested by the offender.
- 9) Offenders may request to see or talk with the chaplain as they feel the need. Chaplains are to process offenders' requests in accordance with their urgency and should handle all requests as soon as possible.
- 10) Chaplains shall minister to every offender when requested, regardless of the offender's religious beliefs or affiliation.
 - a) The chaplain shall not disclose information received from privileged communication unless a life is endangered, PREA incident, or the security of the institution is threatened, or otherwise mandated by law and/or policy.
 - b) Chaplains shall counsel offenders referred to them by staff. Staff making the referral should provide the chaplain with sufficient information, so that the chaplain may proceed with counseling in an appropriate manner.

NOT CONFIDENTIAL

COR P & P	SUBJECT: RELIGIOUS PROGRAM	POLICY NO.: COR.12.05
		EFFECTIVE DATE: May 3, 2017
		Page 16 of 19

- 11) When offenders are housed in a special management unit, the chaplain will provide one-on-one contact with offenders who desire religious counseling, with prior approval of the Warden.
- 12) Offenders in special management units may request religious counseling from approved representatives of their own faith in accordance with facility policy and procedures, subject to approval of the Warden on a case-by-case basis.
- 13) The chaplain and/or assistant chaplain shall have unlimited access to designated areas, such as the chapel and chaplain's office. The Warden shall have the discretion to determine other areas of the facility, which may be accessed by the chaplain and/or assistant chaplain, either escorted or unescorted.
- 14) The chaplain shall make available to the offender population information relating to religious services and activities offered by the institution, and those services and activities provided by representatives of the religious community.
- 15) The chaplain may, at a designated time, participate in reception and orientation activities for all new offenders entering the institution. The chaplain should obtain information relative to the religious background and interest(s) of the offender and provide him/her with the following information.
 - a) Services offered;
 - b) The times and places of religious activities and programs;
 - c) Procedures to be followed by the offender in order to attend scheduled religious services, to receive counseling from the chaplain, or to receive religious counseling or services from an approved representative of his or her own faith;
 - d) Religious and devotional material available and procedures for obtaining religious and devotional material from outside the institution;
 - e) Answer any general questions relative to religious programs of the institution.

NOT CONFIDENTIAL

COR P & P	SUBJECT: RELIGIOUS PROGRAM	POLICY NO.: COR.12.05
		EFFECTIVE DATE: May 3, 2017
		Page 17 of 19

- 16) The chaplain shall plan religious programs to ensure coordination with the institutional schedule of activities. Weekday services shall be planned in cooperation with other program areas to avoid conflict.
- 17) The chaplain may develop and coordinate a program of religious education at each institution:
 - i) All proposed programs shall be submitted to the CPS-V and Warden, for approval of content, and to the appropriate facility staff for inclusion in the schedule of approved activities.
 - ii) The Warden has the discretion to disallow any religious program and services, if the Warden deems the religious program and/or service is a threat to the safety and security of the facility, staff and offenders.
- 18) The chaplain shall submit all reports and documentation as required by policy COR.19.02: Volunteer Services, to the Branch Volunteer Coordinator.
- 19) Assistant chaplains are to serve as a back-up to the Facility Chaplain, and are required to provide at least ten (10) hours of service per week.

c. Religious Volunteers Responsibilities

- 1) In order to become a religious volunteer, the individual must fulfill all of the eligibility requirements in policy COR.19.02: Volunteer Services.
- 2) If the individual is under the age of 18 years, PSD 8328 must be completed and submitted prior to the person entering the facility. This request is subject to the approval of the Warden.
 - a) Individuals under the age of 18 years may be allowed into the facility only for participation in special programs.
 - b) Individuals under the age of 18 years who are allowed into the facility for participation in special programs, shall be escorted at all times by a staff member or a Level I volunteer.
- 3) Provide religious counseling, education, and services in keeping with the groups' traditions and beliefs to offenders who request services

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COR P & P	SUBJECT: RELIGIOUS PROGRAM	POLICY NO.: COR.12.05
		EFFECTIVE DATE: May 3, 2017
		Page 18 of 19

from the group or individual. Offenders may request religious counseling or services via PSD 8277, Inmate Request Form.

- 5) Submit monthly reports to the volunteer coordinator at each facility using the KaMakani Monthly Volunteer Time Report.
- 6) Religious Volunteers are to adhere to policy COR.19.02: Volunteer Services, regarding fraternization, appropriate attire in the facilities, and other conduct expected of all volunteers.
- 7) Outside food is not allowed in the facilities and volunteers shall not bring food into the facilities, except for special ceremonies.
 - a) Prior to bringing in outside food for special ceremonies, religious volunteers, chaplains, and/or assistant chaplains shall consult with the Institutional Food Service Manager to ensure that this will not place an undue burden on the Food Service staff, and obtain written approval from the Warden.
 - b) Outside food being brought into the facility shall be from vendors who have been approved by PSD, and the Department of Health, and holding a Department of Health certification or green placard.
- f. Facility chaplains and religious volunteers do not have the authorization to approve offender requests, to schedule or arrange for offender movement, or any other activity requiring a line of authority action. Such requests are determined by facility staff.
- g. Religious and/or commercial movies and/or films shall not be shown unless appropriate licensing and/or copyright agreements have been obtained for showing movies/films at the facilities. Also, prior permission has been given by the copyright holder at the time of distribution or under a special arrangement or written agreement.
- h. Facility chaplains, assistant chaplains and religious volunteers are not allowed to videotape and/or photograph any offenders without prior written authorization by the Warden. (Policies: 1) ADM.01.04: Media Relations and Access to Department Information; 2) ADM.05.02: Public Access to Department Information; and 3) COR.14.18: Inmate Consent to be Interviewed, Photographed and/or Videotaped.)

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COR P & P	SUBJECT: RELIGIOUS PROGRAM	POLICY NO.: COR.12.05
		EFFECTIVE DATE: May 3, 2017
		Page 19 of 19

- 1) Any offenders to be videotaped and/or photographed shall sign PSD 8740. If an offender declines to sign PSD 8740, the offender is not to be videotaped and/or photographed.
- 2) Videotapes and/or photographs taken of offenders shall not be published on social media.
- 3) Should a non-profit organization desires to post photographs and/or videotapes of offenders on its website in conjunction with religious services offered to offenders, prior written authorization shall be obtained from the Director of the Department of Public Safety.
 - i. Facility chaplains, assistant chaplains and religious volunteers shall not conduct videotaped interviews and/or interviews for public viewing and distribution, with offenders without the prior written consent from the Director of the Department of Public Safety.
 - j. Facility chaplains, assistant chaplains and religious volunteers shall not conduct genealogy courses/classes.

6.0 SCOPE

This policy applies to all correctional facilities.

APPROVAL RECOMMENDED:


 Deputy Director for Corrections

 May 3, 2017
 Date

APPROVED:


 Director

 May 3, 2017
 Date

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**VOLUNTEER & CONTRACT STAFF
CONSENT FOR CRIMINAL BACKGROUND CHECK**

Incomplete applications will not be processed. PLEASE FILL IN ALL INFORMATION BELOW:

APPLICANT'S NAME: _____ SSN: _____ DOB: _____

Maiden Name/Other names used: _____

TYPE OF ID: _____ ID#: _____

EXAMPLE: (Name of State) Drivers License, (Name Of State) ID, (Name Of Country) Passport, Military ID, etc.

This is to inform all volunteers and contract personnel that any person authorized to provide services for the Department of Public Safety is subject to both State and Federal Criminal Background Checks. All information will be kept confidential and will be handled in accordance with Department Administration Policy & Procedures: ADMIN .05.01: Access Control to Department Confidential Information.

Are you currently listed on any inmate's approved visit list? (Circle One) YES NO

Are you related to any inmate? (Circle One) YES NO

Do you have a personal and/or business relationship with any inmate? (Circle One) YES NO

Do you have a Protective Order filed against any inmate? (Circle One) YES NO

Do you have a Protective Order filed against you by any inmate? (Circle One) YES NO

If yes, inmate's name: _____ Relationship: _____ Facility: _____

If more space is needed, please attach a separate sheet.

Have you ever been arrested (Local, State, Federal, Military)? (Circle One) YES NO

INCLUDE ALL ARRESTS (DAG'S, DANC'S, DISMISSALS, EXPUNGEMENTS, NOLLE PROSEQUI, ETC)

Have you ever been incarcerated (Local, State, Federal, Military)? (Circle One) YES NO

Have you ever been served with a TRO (Restraining or Protective Order)? (Circle One) YES NO

Have you ever had a sexual harassment complaint lodged against you? (Circle One) YES NO

If any of the above is answered yes, fill out below.

<u>MOST RECENT CHARGE(S)</u>	<u>STATE</u>	<u>DATE OF ARREST</u>	<u>PRESENT STATUS</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

IF MORE SPACE IS NEEDED, USE BACK OF THIS PAGE OR ATTACH A SEPARATE SHEET

Are you currently under court, probation, or parole jurisdiction? (Circle One) YES NO

If yes, please provide information below.

State and City: _____ Reason: _____

Name of Probation/Parole Officer: _____ Phone Number: _____

Length of time left on sentence: _____

I hereby authorize the Department of Public Safety to conduct a background security check on the information provided above. In addition, I understand that I may be subject to fingerprinting should a discrepancy be found. ***I certify that the aforementioned information is true, complete, and correct. I understand that withholding and/or falsification of information pertaining to the State and Federal Criminal Background Checks is cause for rejection of application and/or termination.***

Signature

Date

FOR ADMINISTRATIVE USE ONLY

CJIS CLEARANCE: YES NO: (Reasons) _____ Date _____
 Please attach record

NCIC CLEARANCE: YES NO: (Reasons) _____ Date _____
 Please attach record

COMMENTS:

Conducted by: Name _____ Title _____ Facility _____

**STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY**

INMATE REQUEST FORM

To: _____ Date: _____

From: _____ SID: _____ Module: _____ Block: _____ Quad: _____

Request: _____

.....

For Staff Response Only

Comments: _____

Approved/Disapproved Staff Signature: _____ Date: _____
.....

I have seen the response
for my request. Inmate Signature: _____ Date: _____

DEPARTMENT OF PUBLIC SAFETY
MINOR CONSENT FORM FOR PROGRAM USE

Both parties must appear in person to sign this consent form prior to visiting. Parents or legal guardians must have proper identification showing the relationships to minors. This form must be submitted ten (10) days prior to the visit.

I, _____, give permission for my son or daughter,
(Please Print Name)

_____, who is a minor to visit _____
(Please Print Name) (Please Print Facility)

to participate in _____.
(Name of Program)

Signature of Parent or Legal Guardian Date

.....

I, _____, accept and assume the responsibility of escorting
(Please Print Name)

_____, who is a minor, while visiting the above named inmate.
(Please Print Name)

Signature of Parent or Legal Guardian Date

.....

Witnessed _____ Date _____

Authorized _____ Date _____
Warden/Designee

DEPARTMENT OF PUBLIC SAFETY

RELIGIOUS PROPERTY RETENTION FORM

(Print Clearly; Unreadable Requests Will Not Be Processed)

=====

Inmate Name: _____ SID #: _____

Facility: _____ Module/Unit: _____

Current Faith Group Affiliation: _____

Personal Religious Item: _____

Reason for Retention: _____

Inmate's Signature

Date Submitted

=====

Reviewing Chaplain: _____ Date: _____

Recommendation: _____

Warden _____ Date: _____

Approved [] Denied []

Notes: _____

Original: Inmate's file
Copies: Chaplain's file

DEPARTMENT OF PUBLIC SAFETY

FAITH GROUP AFFILIATION DECLARATION FORM

(Print Clearly; Unreadable Requests Will Not Be Processed)

Inmate Name: _____ SID #: _____

Facility: _____ Module/Unit: _____

Current Faith Group Affiliation: _____

Change to (Write N/A if no change): _____

NOTE: You may not make another Faith Group Affiliation change for 12 months from the last Approved Date. Upon approval of this affiliation change, you shall be responsible for obtaining, **at you own expense**, any items relating to your new Faith Group. It is your responsibility to learn and comply with the rules regarding your new Faith Group.

Inmate's Signature

Date Submitted

Chaplain's Signature

Date Received

Approved **Denied**
(circle one)

Date

Reason for Denial:

This form is used to determine religious services needs and not used as an identifying tool.

Original: Inmate's file
Copies: Chaplain's file

STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

**INMATE CONSENT TO BE INTERVIEWED,
PHOTOGRAPHED, AND/OR VIDEOTAPED**

I, _____, SID: _____,
(Inmate's Name – Print)

am an inmate at _____. I hereby agree to be:

☐ Photographed on _____ by _____

☐ Videotaped on _____ by _____

☐ Interviewed on _____ by _____

Purpose: _____

I understand that the photographs, videotapes and/or interview become the sole possession of the organization named above, and may be reprinted or re-broadcast at any time for the reason or purpose stated, without my additional consent, even after my release from incarceration. In accordance with Department of Public Safety policy, I DO NOT consent to the posting, distribution and/or broadcast of the photographs, videotape and/or interview on social media such as Facebook, Instagram, Flickr, You Tube, blogs, etc.

Inmate Signature

Date

Staff Witness Signature

Date

APPROVED / DISAPPROVED

Warden Signature

Date

** Written approval from the Director of the Department of Public Safety for the interview shall be attached to this consent form.*